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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,788	06/05/2000	Robert W. Brown	RE-001	8744

7590 01/30/2002

Carl C Kling
P O Box 305
Hawthorne, NY 10532-0305

EXAMINER

TRAN LIEN, THUY

ART UNIT	PAPER NUMBER
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1761

12

DATE MAILED: 01/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory ActionApplication No.
09/585,788

Applicant(s)

Brown et al.

Examiner

Lien Tran

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Oct. 24, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

4. ☐ Applicant's reply has overcome the following rejection(s):

5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
the amendment submitted does not comply with rule 1.121(b), see attached paper.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: 1-3 and 9
Claim(s) objected to: none
Claim(s) rejected: none
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. ☐ Other: _____

Art Unit: 1761

1. The claim amendments do not comply with rule 1.121(b). Applicant needs to begin with the patent claims and makes the necessary changes using brackets and underlining. All subject matter being added to the patent claims must be underlined and all subject matter being deleted from the patent claims must be placed between brackets. Claims added to the patent must be underlined in their entirety. The claims must ~~have to be~~ exactly as the patent claims; “brackets” should be used if applicant wants to delete a term(s) and “underlining” should be used for every insertion not present in the patent claims. For example, in claim 1 step c the letter “a” occurs before the word “first-rise” in the patent claims; if applicant wants to delete the letter “a”, it should be placed between brackets and not be omitted from the claim. The same problem is noted in step e; the term “set of” is present in the patent claim. If applicant wants to delete the term, it would be placed between brackets. The same problem is noted in step f; the word “and” after “portion” is present in the patent claim. If applicant wants to delete the term, it should be placed between brackets. Step h is not present in the patent claim; thus, the letter “h” should be underlined. It is suggested that applicant follows the example set forth above to correct the problems with respect to other claims.

2. All rejections are hereby withdrawn. If the claims are submitted in the proper format, the application will be in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien Tran whose telephone number is (703) 308-1868. The examiner can normally be reached on Wed-Fri. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Application/Control Number: 09/587788

Page 3

Art Unit: 1761

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

January 29, 2002


LIEN TRAN
PRIMARY EXAMINER
